

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

In re:)	
)	
EAGLE PROPERTIES AND)	Bankruptcy Case
INVESTMENTS, LLC,)	No. 23-10566-KHK
)	Chapter 7
Debtor.)	
)	

**AMENDED SECOND ORDER APPROVING SALE OF 1010 LYNN ST., SW,
VIENNA, VA FREE AND CLEAR OF LIENS, CLAIMS AND INTERESTS
PURSUANT TO 11 U.S.C. § 363(f)**

UPON CONSIDERATION of the second motion (Docket No. 534) (“Motion”) of H. Jason Gold, chapter 7 trustee (“Trustee”), to approve the sale of the property commonly known as 1010 Lynn St., SW, Vienna, VA (“Property”); and it appearing that proper and adequate notice of the Motion has been given and that no further notice is necessary; and it appearing that the sale of the Property as set forth in the Motion is in the best interest of the estate and its creditors, and it further appearing that based upon the endorsements of counsel set forth below that Shore United Bank, Gus Goldsmith and Bala Jain; LLC have consented to the sale of the Property as set forth herein, free and clear of all liens claims and interests, accordingly:

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. The Trustee is authorized to sell the Property¹ to Katherine C. Koczyk-Scripka or

¹ Having the following legal description:

All of Lot Two Thousand, Fifty-Five (2055), Section Ten (10), Vienna Woods, as the same appears duly dedicated,

her successor(s) as Trustee of the Katherine C. Koczyk-Scripka Revocable Trust, dated June 18, 1999 (the “Purchaser”) for \$772,500.00 consistent with the sales contract attached to the Motion as Exhibit A.

3. The Trustee is authorized to pay the secured claim of Shore United Bank, N.A. in full at closing as set forth in the draft ALTA attached hereto as Exhibit A (“ALTA”).

4. The Trustee is authorized to pay the secured claim of Gus Goldsmith in the amount of \$100,000.00 consistent with the ALTA. Gus Goldsmith’s consent to this sale and release of liens is conditioned upon receipt of an additional \$10,000.00 resulting from the forfeited deposit on the prior sale of the Property.

5. At closing, the Trustee shall receive, for the benefit of the estate the sum of \$22,500.00 representing his commission under Section 326 of the Bankruptcy Code plus \$37,500.00 as additional consideration for the bankruptcy estate free and clear of all liens, claims and interests.

6. The Trustee is authorized to pay \$17,780.90 to his broker Century 21 New Millennium at closing for services rendered in representing the Trustee in connection with the sale.

7. The Trustee is authorized to pay \$14,312.50 to Keller Williams Realty at closing for services rendered in representing the Purchaser in connection with the sale.

8. The Trustee is authorized to pay all outstanding real estate taxes and other customary closing costs consistent with the ALTA.

9. The Trustee is authorized to pay Bala Jain, LLC the remaining net proceeds of sale

platted and recorded in Deed Book 1741 at Page 322 of the land records of Fairfax County, Virginia.

Less and Except that portion of said lot conveyed to the Town of Vienna in Deed Book 1801 at Page 594 of the aforesaid county land records.

after all costs, consistent with the ALTA.

10. The Trustee is authorized to reimburse Auction Markets, LLC at closing in an amount not to exceed \$1,000.00 for any utility and property preservation expenses as needed.

11. The Trustee is authorized to request and receive all information concerning the liens and debt held by any secured creditor necessary to close on the sale including but not limited to the loan payoff balance, proof of lien perfection, hazard insurance coverage, escrow account balance and other information. Secured creditors are authorized and directed to promptly provide said information to the Trustee upon request of the Trustee, subject to the right of any secured creditor to oppose the request.

12. This Order may be recorded in the land records wherein the subject Property is located.

13. This Court retains jurisdiction with respect to any disputes regarding the Property following the sale.

14. This Order shall be effective immediately and shall not be subject to the stay provided in Federal Rule of Bankruptcy Procedure 6004(h) or any other applicable stay.

Dated: Aug 12 2024

/s/ Brian F Kenney
United States Bankruptcy Judge

PREPARED BY:

Entered On Docket: Aug 12 2024

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By: /s/ Dylan G. Trache
Dylan G. Trache, Va. Bar No. 45939

Counsel to the Chapter 7 Trustee

SEEN AND AGREED:

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Email: lisa.tancredi@wbd-us.com

Email: robert.hockenbury@wbd-us.com

By: /s/ Lisa Bittle Tancredi (by DGT with authority)

Lisa Bittle Tancredi, Esq. (admitted pro hac vice)

Robert L. Hockenbury, Esq. (VA Bar 97675)

Counsel to Shore United Bank, N.A.

AND

MCNAMEE, HOSEA, P.A

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Greenbelt, MD 20770

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BY: /s/ Justin P. Fasano (by DGT with authority)

Justin P. Fasano (Bar No. 75983)

Attorneys for Gus Goldsmith

SEEN:

ROGAN MILLER ZIMMERMAN, PLLC

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BY: /s/Christopher L. Rogan (by DGT with authority)

Christopher L. Rogan (Bar No. 30344)

Attorneys for Bala Jain, LLC

CERTIFICATION PURSUANT TO LOCAL RULE 9022-1(C)

I HEREBY CERTIFY that this Order has been endorsed by all necessary parties.

/s/ Dylan G. Trache

Dylan G. Trache

LIST OF PARTIES TO RECEIVE NOTICE OF ENTRY
PURSUANT TO LOCAL RULE 9022-1

Dylan G. Trache
NELSON MULLINS RILEY & SCARBOROUGH LLP
101 Constitution Avenue, NW, Suite 900
Washington, DC 20001

Michael Freeman
OFFICE OF THE UNITED STATES TRUSTEE
1725 Duke Street, Suite 650
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Stephen Karbelk
Team Leader, RealMarkets
Century 21 New Millennium
Century 21 Commercial New Millennium
6629 Old Dominion Drive
McLean, VA 22101

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Justin Fasano
MCNAMEE, HOSEA, P.A
6404 Ivy Lane, Suite 820
Greenbelt, MD 20770

Christopher Rogan
ROGAN MILLER ZIMMERMAN, PLLC
50 Catocin Circle, NE, Suite 300
Leesburg, Virginia 20176

Exhibit A

EKKO TITLE
VA47703
410 Pine Street
Suite 220
Vienna, VA 22180
(703) 537-0800

ALTA Combined Settlement Statement

File #:	V24-06-30	Property	1010 Lynn Street Southwest	Settlement Date	08/20/2024
Prepared:	07/29/2024		Vienna, VA 22180	Disbursement Date	08/20/2024
Escrow Officer:	Todd Condron		VIENNA WOODS PT LT		
			2055 SEC 10		
		Buyer	Katherine C. KOCZYK- SCRIPKA		
			4815 Marymead Drive		
			Fairfax, VA 22030		
		Seller	H. Jason GOLD, Trustee		
			PO Box 57359		
			Washington, DC 20037		
		Lender			

Seller			Buyer	
Debit	Credit		Debit	Credit
		Financial		
	\$772,500.00	Sales Price of Property	\$772,500.00	
		Deposit		\$10,000.00
		Prorations/Adjustments		
\$216.97		City/Town Taxes 07/01/2024 to 08/20/2024		\$216.97
\$1,327.87		County Taxes 07/01/2024 to 08/20/2024		\$1,327.87
		Payoff(s)		
\$551,129.88		Payoff to Shore United Bank, N.A.		
		Principal : \$485,809.61		
		Additional Interest : \$34,781.92		
		Release : \$29,116.32		
		Late Charge : \$1,422.03		
\$100,000.00		Payoff to Gus Goldsmith		
		Principal : \$100,000.00		
\$8,033.20		Payoff to Bala Jain LLC		
		Principal : \$8,033.20		
		Government Recording and Transfer Charges		
		Recording Fees	\$47.00	
		---Deed: \$47.00		
\$422.00		Grantor Tax - County (Deed) to Fairfax County Recording Office		
\$422.00		Grantor Tax - State (Deed) to Fairfax County Recording Office		
		Recordation Tax - County (Deed) to Fairfax County Recording Office	\$703.00	
		Recordation Tax - State (Deed) to Fairfax County Recording Office	\$2,109.00	
\$843.60		Regional Congestion Relief Fee (Deed) to Fairfax County Recording Office		
\$843.60		Regional WMTA Fee (Deed) to Fairfax County Recording Office		
		Commission		
\$17,780.90		Listing Agent Commission to Century 21 New Millennium		
\$14,312.50		Selling Agent Commission to Keller Williams Realty		
		Title Charges & Escrow / Settlement Charges		
		Title - Buyer Binder Fee to EKKO TITLE	\$97.00	

Seller			Buyer	
Debit	Credit		Debit	Credit
		Title - Buyer Recording Service Fee to ZENZI TITLE SERVICES	\$50.00	
		Title - Buyer Settlement Fee to EKKO TITLE	\$697.00	
		Title - Buyer Title Search Fee to ZENZI TITLE SERVICES	\$197.00	
\$150.00		Title - Seller Deed Preparation Fee to Leggett, Simon, Freemyers & Lyon, PLC		
\$417.00		Title - Seller Settlement Fee to EKKO TITLE		
		Title - Owner's Title Policy to Fidelity National Title Insurance Company	\$3,579.36	
		Miscellaneous		
\$4,886.56		1st Half 2024 Real Estate Taxes to Fairfax County Department of Taxation		
\$843.60		1st Half 2024 Town Real Estate Taxes to Town of Vienna		
\$10,516.98		2023 Delinquent Taxes to Fairfax County Department of Taxation		
\$353.34		2023 Delinquent Town Taxes to Town of Vienna		
\$22,500.00		326(a) Payment to Trustee to H. Jason GOLD, Trustee		
\$37,500.00		Bankruptcy Estate Payment to H. Jason GOLD, Trustee		
Seller			Buyer	
Debit	Credit		Debit	Credit
\$772,500.00	\$772,500.00	Subtotals	\$779,979.36	\$11,544.84
		Due from Buyer		\$768,434.52
\$0.00		Due to Seller		
\$772,500.00	\$772,500.00	Totals	\$779,979.36	\$779,979.36